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TO RUEHC/SECSTATE WASHDC 1663
INFO RUEHAK/AMEMBASSY ANKARA 0430
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RUEHLO/AMEMBASSY LONDON 2086
RUEHMO/AMEMBASSY MOSCOW 1563
RUEHOT/AMEMBASSY OTTAWA 2342
RUEHFR/AMEMBASSY PARIS 1566
RUEHRO/AMEMBASSY ROME 1060
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RUEHKO/AMEMBASSY TOKYO 3580
RUEHWR/AMEMBASSY WARSAW 0854
RUEHBN/AMCONSUL MELBOURNE 6445
RUEHPT/AMCONSUL PERTH 4709
RUEHDN/AMCONSUL SYDNEY 4678
RUCNDT/USMISSION USUN NEW YORK 0819
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SIPDIS

DEPARTMENT FOR L/LEI,IO,S/CT AND EAP

E.O. 12958: N/A

TAGS: [PREL](#) [PTER](#)

SUBJECT: AUSTRALIAN REACTION TO USG POSITION ON UN
COMPREHENSIVE CONVENTION ON INTERNATIONAL TERRORISM

REF: A. A. STATE 66265

[1](#)B. B. STROHMEYER-DAUGIRDAS E-MAIL OF JUNE 18

[1](#)1. June 17, poloff delivered the talking points in reftel a. to Peter Scott, Director Sanctions and Transnational Crime Section, International Legal Branch of the Australian Department of Foreign Affairs and Trade. Mr. Scott replied that Australia was in basic agreement with the U.S. positions; however, he wanted the Australian arguments to be contextualized. Post sent this reply via email to Peter Guthrie L/LEI June 18 (reftel b.).

[1](#)2. The following is the Australian position set out in a non-paper provided by Mr. Scott:

Begin text of Australian non-paper:

The conclusion of a comprehensive convention on international terrorism would demonstrate, unambiguously, a global political commitment to criminalise all terrorist acts and to cooperate to prosecute those responsible for such atrocities. The Convention's adoption would provide a legal basis to tackle the diverse threats and methods of terrorism we continue to face, building upon - but not replacing the existing sectoral Conventions.

Australia, together with other Western States, wishes to ensure the activities of armed forces during armed conflicts (as those terms are understood under international humanitarian law) are excluded from the Convention's scope, but that the activities of non-State forces are included within its scope. The position of the Organisation of the Islamic Conference (OIC) States, however, is that peoples involved in a legitimate struggle against foreign occupation should be excluded from the Convention's scope, but that the acts of armed forces of a State should fall within its scope in certain cases. The most recent Ad Hoc discussions on the Convention (25-26 February and 6 March 2008) made no progress on resolving this issue. Australia's position, as stated publicly, remains to retain our support of the coordinator's text on Article 18.

End text.

13. Comment: The Australians feel a greater connection to the Convention than does the USG; however, they are not willing to see the definition of terrorism enlarged to include state military actions, while at the same time, excluding terrorist acts perpetrated by national liberation movements.

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